

REMARKS

The Examiner's objections to claims 26 and 43 are believed to be overcome by the amendments now being made herein to claims 26 and 43 to correct the wording in the claims so as to have proper antecedent basis with respect to the claims from which these claims depend.

The Examiner's rejections of claims 19, 26 and 53 under 35 U.S.C. §102(e) for being anticipated by the Galli U.S. Patent No. 6,530,672, as this rejection may be attempted to be applied to the amended claims, is respectfully traversed.

The Examiner contends that Galli teaches an opening in FIG. 2 where the batteries are placed into the recess 24. The Examiner has not indicated where this opening is or what number is assigned to such opening. While applicants find that Galli discloses a recess 24 inside a flashlight housing 12 nowhere does applicant see a first opening in such housing for enabling a flat battery to be inserted through the opening into the recess as now even more clearly set forth in applicants' amended claims. Further, applicant does not find a second opening generally opposite the first opening for receiving a pusher member for pushing the battery at least partially out of the recess as defined now even more clearly in a number of applicants' amended claims.

The Examiner contends that "it is inherent that a finger can be used [as] a pusher member to at least partially eject the modular power source from the recess when the battery is disposed therein."

What the Examiner is talking about here is unclear to applicant. In this respect, there is no showing of a first opening in the housing through which the batteries 16 and 18 can be slid into the housing or to a second opening through which a finger can be inserted for partially ejecting the batteries 16 and 18.

In this respect, there is no opening in the housing 12 or the cover 20 which is large enough for insertion of the batteries 16 and 18 into the recess 24 in the housing 12. Furthermore, there is no second opening for receiving a pusher member to push the batteries 16 and 18 out of the housing 12. Simply stated, where is the alleged imaginary opening referred to by the Examiner in the housing 12 communicating with the recess 24.

Furthermore, there is no teaching in Galli to provide an opening in a peripheral edge surface of a housing.

Further in support of this traverse, applicant has amended claims 19, 27

and 36 to make it clear that applicant's housing has a peripheral edge surface, has a recess therein, and has an opening in said peripheral edge surface communicating with said recess for slidably receiving said power source through said opening and into said recess for positioning said power source in predetermined relation to said light source.

Applicant submits that notwithstanding the Examiner's improper characterization of the disclosure in the Galli patent, this claimed structure is not at all disclosed or suggested by Galli. This same structure in slightly different language is set forth in claims 27 and 34.

The other claims rejected by the Examiner that are dependent upon claim 19 are considered allowable for the same reason that claim 19 is considered allowable and for the reason that they each claim a narrower combination of elements.

The Examiner's rejection of claim 27 under 37 U.S.C. §102(e) for being anticipated by Galli U.S. Patent No. 6,530,072 as this rejection may be attempted to be applied to the amended claims is respectfully traversed.

In support of this traverse, it is noted that claim 27 calls for a housing having a peripheral edge surface, having a recess therein, and having an opening in said peripheral edge surface communicating with said recess for slidably receiving said power source through said opening and into said recess for positioning said power source in predetermined relation to said light source."

Claim 27 further calls for "a second opening located generally opposite said first opening and communicating with said recess so as to enable insertion of the pusher member into said second opening to at least partially eject said modular power source from said recess when disposed therein."

Again, these structural features of applicant's flashlight housing are not all disclosed or suggested by Galli.

The Examiner's rejections of claims 34, 54 and 12-15 under 35 U.S.C. §102(e) for being anticipated by the Galli patent, as this rejection may be attempted to be applied to the amended claims, is respectfully traversed.

In support of this traverse, it is noted that amended claim 34 (upon which claims 54 and 12-15 depend) calls for a generally flat housing having laterally opposite generally flat side surfaces and an outer peripheral edge surface which is generally normal to said side surfaces and which extends about a periphery of

said housing, a light source at least partially enclosed at one end of said housing, said housing having a recess which has an opening that opens outwardly of and onto said housing peripheral edge surface, a modular, and a generally flat power source adapted to be slidably inserted through said opening in said peripheral edge surface and into said recess.

Again, Galli does not teach, suggest or disclose such structure in a flashlight housing.

The other claims are dependent upon claim 34 and are considered allowable for the same reason that claim 34 is considered allowable and for the reason that they each claim a narrower combination of elements.

The Examiner's rejections of claims 36 and 37 under 35 U.S.C. §102(e) for being anticipated by the Galli patent, as this rejection may be attempted to be applied to the amended claims, is respectfully traversed.

In support of this traverse, it is to be noted that claim 36 has been amended to call for a housing having a peripheral edge surface, having a recess therein, and having an opening in said peripheral edge surface communicating with said recess for slidably receiving said power source through said opening and into said recess for positioning said power source in predetermined relation to said light source.

Again, this structure is nowhere disclosed in or suggested by Galli.

Claim 37 dependent upon claim 36 is considered allowable for the same reasons that claim 36 is considered allowable and for the reason that they this claim is directed to a narrower combination of elements.

The Examiner's rejection of claims 42, 43 and 58 under 35 U.S.C. §102(e) as being anticipated by the Galli patent, as this rejection may be attempted to be applied to the amended claims, is respectfully traversed.

In support of this traverse, it is to be noted that claim 42 now calls for "said housing having a first opening in said edge surface, a recess in said housing communicating with said first opening, a modular power source adapted to be slidably inserted through said first opening and into said recess."

Again, Galli nowhere discloses or suggests such a structure in a flashlight housing.

Further, claim 42 calls for "a second opening in said edge surface located generally opposite said first opening and communicating with said recess so as to

enable insertion of a pusher member into said second opening to at least partially eject said power source from said recess.”

Still again, applicant submits that this structure in a flashlight housing is also nowhere disclosed in or suggested by the Galli patent.

The other claims that are dependent upon claim 42 and are considered allowable for the same reasons that claim 42 is considered allowable and for the reason that they each claim a narrower combination of elements.

The Examiner’s rejection of claims 20 and 21 under 35 U.S.C. §103(a) as being unpatentable over Galli as applied to claim 19 above, and further in view of Huang U.S. Patent No. 5,730,013, as this rejection may be attempted to be applied to the amended claims is respectfully traversed.

First of all, in support of this traverse, it is to be noted that claims 20 and 21 depend upon claim 19 and as noted above, claim 19 calls for structure in applicant’s flashlight housing that is not at all disclosed or suggested by Galli.

Further, such structure is not at all disclosed or suggested by Huang. Huang teaches a grip housing comprising a first casing 10 having a recess confined within an arch rib 11 for receiving a battery and a second casing 20 for being mated with the first casing 10 with a flat battery 4 located therebetween.

There is no teaching or disclosure in Huang of an opening in a peripheral side edge of either casing housing 10 or 20 through which the battery 4 can be inserted into the recess defined by the arch rib 11.

Clearly, there is also no second opening for receiving a pushing member for pushing the battery 4 part way out of the recess through a first opening.

As with Galli, Huang teaches the separating of two casings 10 and 20 to place a battery 4 in the recess defined between the cases 10 and 20 and then closing the two casings or housing and cover.

Accordingly, there is no opening in a side edge of a flashlight housing in Galli or Huang through which a battery can be inserted for placing the battery in a recess in the housing or a teaching of a second opening for receiving a “pin-shaped” pusher member for partially pushing the battery or battery holder out of the recess through the first opening.

The allowability of claims 7-9, 11, 16-19, 30-33, 44, 45-49, 50-51, and 54-57 is noted.

Also, the indication of allowability of the “objected to” claims 1-6, 10, 22-25,

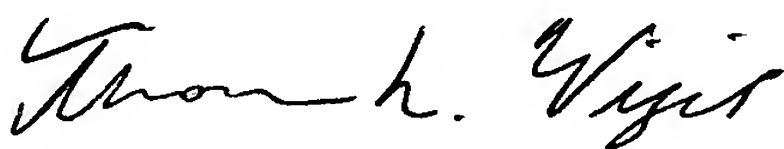
28-29, 35, 38-41 is also noted. Applicant has elected not to amend the "objected to" claims into independent form in view of the amendments now being made to claims 19, 26, 27, 34, 36, and 42 to define applicant's flashlight housing as having an edge surface or peripheral edge, and an opening in the peripheral edge communicating with a recess in the housing for enabling a power source battery or power pack to be inserted through the opening and into the recess.

Again, this structure is not at all disclosed or suggested by the Galli or Huang patents cited by the Examiner.

In summary, applicant submits that all of the claims are now in condition for allowance and an early and favorable action to that end is requested.

Respectfully submitted,

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June 1, 2004

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